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IN CLERKS OFFICE  
STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
2019 JAN -7 PM 1:10

United States District Court  
U.S. DISTRICT COURT  
DISTRICT OF MASS.  
v.  
Martin S. Gottesfeld  
Defendant, pro se

Case No.: 16-cr-10305 NMG

NOTICE REGARDING RECEIPT OF PRE-SENTENCE REPORT

Defendant Martin S. Gottesfeld (herein "defendant"), acting pro se over his ongoing objection to such, wishes to notify The Honorable Court respectfully that he is yet to receive the final version of the pre-sentence report (PSR) from either the U.S. probation department or from David J. Grimaldi, Esq. and that even if a copy or copies of the report are in transit to him in the mail then the earliest that he could hope to receive such would be at or near the close of business today, Wednesday, January 2nd, 2019. Please see the attached affidavit.

The sentencing hearing is currently scheduled for the morning of Thursday, January 10th, 2019, giving the defendant very little time to prepare his sentencing memorandum, as he must, by hand and without access to a typewriter. This is especially true in light of The Honorable Court's prior instruction from the Thursday, December 13th, 2018 hearing that if the defendant wishes for his sentencing memorandum

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to be considered then he should allow enough time for it to reach The Honorable Court prior to the sentencing hearing. By the defendant's estimate based upon his prior experience, if he were to mail an item for filing today, then, on average, he could expect that item to appear on the docket on or about January 7th, 2019, and he will obviously need time to prepare the memo. For instance, the final numbers on requested restitution are of particular importance to such and in the earlier draft version of the PSR which the defendant has received, many such numbers simply appear as to be determined.

The defendant also wishes to express, respectfully, that if his future receipt of the final PSR is to be considered as timely in terms of allowing him sufficient time prior to the hearing, then so too should his recently filed affidavit pursuant to 28 U.S.C. § 144, his motion to disqualify pursuant to 28 U.S.C. § 144, and his motion to disqualify pursuant to 28 U.S.C. §§ 455(a) and 455(b), which each should have reached the Courthouse 10 days or more before the hearing and which each should be subject to the prison mailbox rule, therefore be considered as having been offered in a timely manner prior to the hearing.

Similarly, if the defendant's above-referenced filings are not to be considered as having been made in a timely fashion before the hearing, then neither should his receipt of the final PSR be so construed, especially due to the additional mail delay which he must endure in addressing the final





PSR in his sentencing memorandum, and the defendant would request a continuance in such an instance.

The defendant will notify The Honorable Court forthwith if/when he receives the final version of the PSR so that The Honorable Court can take whatever action, if any, which it deems prudent and just.

Respectfully mailed on Wed., Jan. 2nd, 2018,



Martin S. Goltzfeld, pro se

PCCF ID 71225, Unit H1 Cell 235

26 Long Pond Road


Plymouth, MA 02360





# CERTIFICATE OF SERVICE

I, Martin S. Gottsfeld, pro se, hereby certify  
that on January 2nd, 2019 the foregoing document(s)  
will be mailed to Assistant U.S.  
Attorney David D'Alejo

  
Martin S. Gottsfeld  
Pro Se



# Affidavit

I, Martin S. Gottesfeld, do hereby affirm that the following is true and accurate to the best of my knowledge, information, and belief at 10:30 AM on this 2nd day of January, 2019:

1. I have not yet received a copy of the final pre-sentence report for the case 16-cr-10305 from anybody.

2. Based on my experience, the earliest that I could hope to expect to receive anything which is currently in transit to me from the Federal courthouse through the mail would be at or near the close of business today.

3. Based on my experience, anything which I were to put in the prison mailbox at or near the close of business today likely wouldn't appear on the docket of 16-cr-10305 until January 7th, 2019.

Signed under penalty of perjury:



Martin S. Gottesfeld, pro se

The Commonwealth of Massachusetts  
On this 2 day of JANUARY 2019  
before me, the undersigned notary public, personally appeared  
MARTIN S. GOTTESFELD  
proved to me through satisfactory evidence of identification, which were  
to be the person whose name is signed on the preceding or attached document who swore  
or affirmed to me that the contents of the document are truthful and accurate to the best of  
his/her knowledge and belief.



ROBERT J. LALIBERTE, Notary Public  
My Commission Expires May 2, 2019





The Commonwealth of Massachusetts

On this day of 2019, I, the undersigned, being a duly qualified and authorized Notary Public for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and correct copy of the original as the same appears to me.

In testimony whereof, I have hereunto set my hand and the seal of my office at Boston, Massachusetts, this 7th day of January, 2019.

ROBERT J. LEBLANC, Notary Public  
My Commission Expires May 2, 2022